HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11387 of 2005

Date: September 12, 2007

Between:
Toddy tappers Co-OP. Society,
Vijayawada Group, Vijayawada (Urban),
Krishna District, rep. by its President
D.Venkataiah, s/o Narasaiah,
aged 38 years, Occupation: Taper. …
Petitioner

And

1. The Prohibition and Excise Superintendent,
Krishna District at Machilipatnam and 3 others. ... Respondents

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ORDER:

This writ petition is filed seeking a writ of *Mandamus* declaring order of cancellation of the license held by the petitioner by an order dated 06-5-2005 in proceedings R.C.No.2106-2/2002/D2 of the first respondent, as arbitrary and illegal.

2. The petitioner is Toddy Tappers Cooperative Society, Vijayawada, and its license, which was valid from 2003 to 2009, was cancelled under the impugned proceedings on the ground that the petitioner society involved in adulteration of toddy with Diazepam, which is injurious to public health and violated the rules and license conditions.

3. Learned counsel for the petitioner strenuously contended that the second sample was not supplied to the petitioner. Apart from not furnishing of enquiry report etc., even till date the position as to what was the report of the chemical analyst as to the second sample is not

known and he is also not able to get any information as to what happened to the criminal cases filed against the society.

4. However, learned counsel appearing for the respondents states that there is an effective and alternative remedy by way of appeal before the 4th respondent and instead of availing the alternative remedy, the petitioner has approached this court straight away, which is not permissible.

5. In view of the above, without expressing any opinion on merits, the petitioner is directed to file a statutory appeal available against the impugned order dated 06-5-2005 passed by the Prohibition and Excise Superintendent, Krishna at Machilipatnam, within a period of two weeks from the date of receipt of this order and on filing such an appeal, the 4th respondent shall entertain the same without raising any objection as to limitation and pass appropriate orders as per law after hearing all the parties concerned.

6. With the above direction, the writ petition is accordingly disposed of. No order as to costs.

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(C.V.RAMULU, J)

Date: September 12, 2007.
BSB